



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 12/14/00

Agenda Item 3

TO: Planning Commission

FROM: Dyana Anderly, AICP, Planning Manager

SUBJECT: **Appeal of Denial of Administrative Use Permit and Parking Exceptions Application No. 00-150-36 – Tonja Williamson (Applicant), Willie and Barbara Merritt (Owners):** Request to Establish a Childcare Center for up to 24 Children and Exceptions to Off-Street Parking Regulations to Reduce the Required Number of On-site Parking Stalls to 4 Where 6 are Required, and to Allow Vehicles to Back into the Street (Forward Motion Required) - The Property is Located at 694 Corrine Street: at the Northwest Corner of Corrine and Chicoine Streets in a Single-Family Residential (RS) District

RECOMMENDATION:

It is recommended that the Planning Commission deny the appeal.

DICSUSSION:

The City of Hayward Zoning Ordinance allows State-licensed daycare facilities for 15 or more persons (children or adults) in the Single-Family zoning district subject to approval of an administrative use permit. These daycare facilities are typically located within buildings such as church facilities where there are classrooms, outdoor play areas, and on-site parking.

On September 28, 2000, the appellant, Ms. Williamson, filed an application to convert a residence to a "childcare center" for up to 24 children at 694 Corrine Street. She does not plan to live there once the center is established. A notice of her application for the childcare center was sent to property owners and residents within the vicinity as well as neighborhood organizations and former members of the Fairway Park Neighborhood Task Force. Staff received responses from several individuals as well as from the Fairway Park Neighborhood Association urging denial of the application based on incompatibility with surrounding residential uses, increased traffic and traffic conflicts, introducing strangers into the neighborhood, lack of adequate parking, increased noise, and a perceived reduction in property values. There were no responses in support of the childcare center.

The Zoning Ordinance currently allows residents of single-family homes to operate a licensed childcare business for up to fourteen children by right, with no discretionary action required of the City. Ms. Williamson is currently licensed with the State of California for eight children.

Per the City of Hayward Zoning Ordinance, the number of children which may be cared for in single-family homes was increased in 1985 from 6 to 12 children and to 14 children in 1998 in recognition of the need to provide for childcare. The State of California licensing provisions for “day care” (childcare) allows up to 14 children within a residential setting (operator must live on premises) and up to 24 children in a “childcare center.”

Following the initial review period, the Planning Director denied the application and sent notices of the denial action to who received the initial notice. The bases of the Planning Director’s action are reflected in the attached findings for denial: with consideration given to character of surrounding single-family residential neighborhood, the proximity from the play area to neighboring dwellings, potential traffic conflicts at the intersection (parents making U-turns at the intersection and vehicles backing into the street), and potential parking conflicts due to lack of adequate on-site parking and drop-off area. Ms. Williamson appealed the Planning Director’s decision, maintaining that she has many years of experience in the child care business, that traffic is not an issue since parents drop off and pick up their children at various times of the day, and that the facility would serve local neighborhood children who arrive by foot. (See appellant’s letter, attachment C.)

Parking Exceptions and Vehicular Circulation

The Off-Street Parking Regulations require a minimum of six parking stalls and a drop-off area on the site, and vehicles must be side-by-side and not behind each other. The applicant indicates that four vehicles can be parked in her driveway (two vehicles facing the garage and two behind them). Curbside (on-street) parking is not counted toward meeting the parking requirement: although there is space for several vehicles along the curb on this corner lot, although a fire hydrant limits the parking somewhat. The Off-Street Parking Regulations also require vehicles to exit a site in a forward motion, which is not possible in this instance.

Signs/Lighting/Hours of Operation

No signs were proposed. If the application is approved, staff recommends that only a very discreet sign be posted given the residential setting of the site. No lighting plan was submitted. If the application is approved, staff recommends that a lighting plan be submitted to ensure safe drop-off and pick-up of children without casting light or glare on adjacent properties. The applicant intends to operate Monday through Friday from 7 a.m. to 5:30 p.m.

Noise

The rear yard of the property is approximately 25 deep, and the rear property line is approximately 5 feet from the adjacent house to the north. A combination masonry/wood fence (approximately 6 feet tall) has recently been erected along the northerly property line and along the side street (Chicoine Avenue) property line. It is reasonable to assume that those residing in the adjacent residence would discern children’s voices. The appellant has been advised that, per the City of Hayward Zoning Ordinance, the fence along Chicoine Avenue

must either be reduced to no more than 4 feet in height or relocated at least 10 feet from that side street property line.

General Plan, Permitted Uses and Planning Issues

The General Plan Map designation for the property is Residential – Single- Family. As childcare centers are permitted, subject to approval of a use permit, in this district, the use itself is not inconsistent with the General Policies Plan.

The Fairway Park Neighborhood Plan seeks to ensure that proposed developments are compatible with the neighborhood and promote revitalization of the area. In this instance, in staff's opinion, the use is inconsistent with this goal.

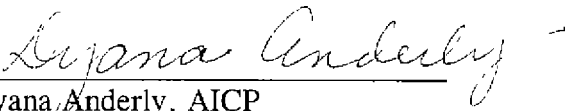
Environmental Review

No environmental action need be taken when a project is denied. If the Planning Commission were to elect to approve the project, the hearing should be continued so as to allow for time to prepare necessary environmental documents.

Public Hearing Notice

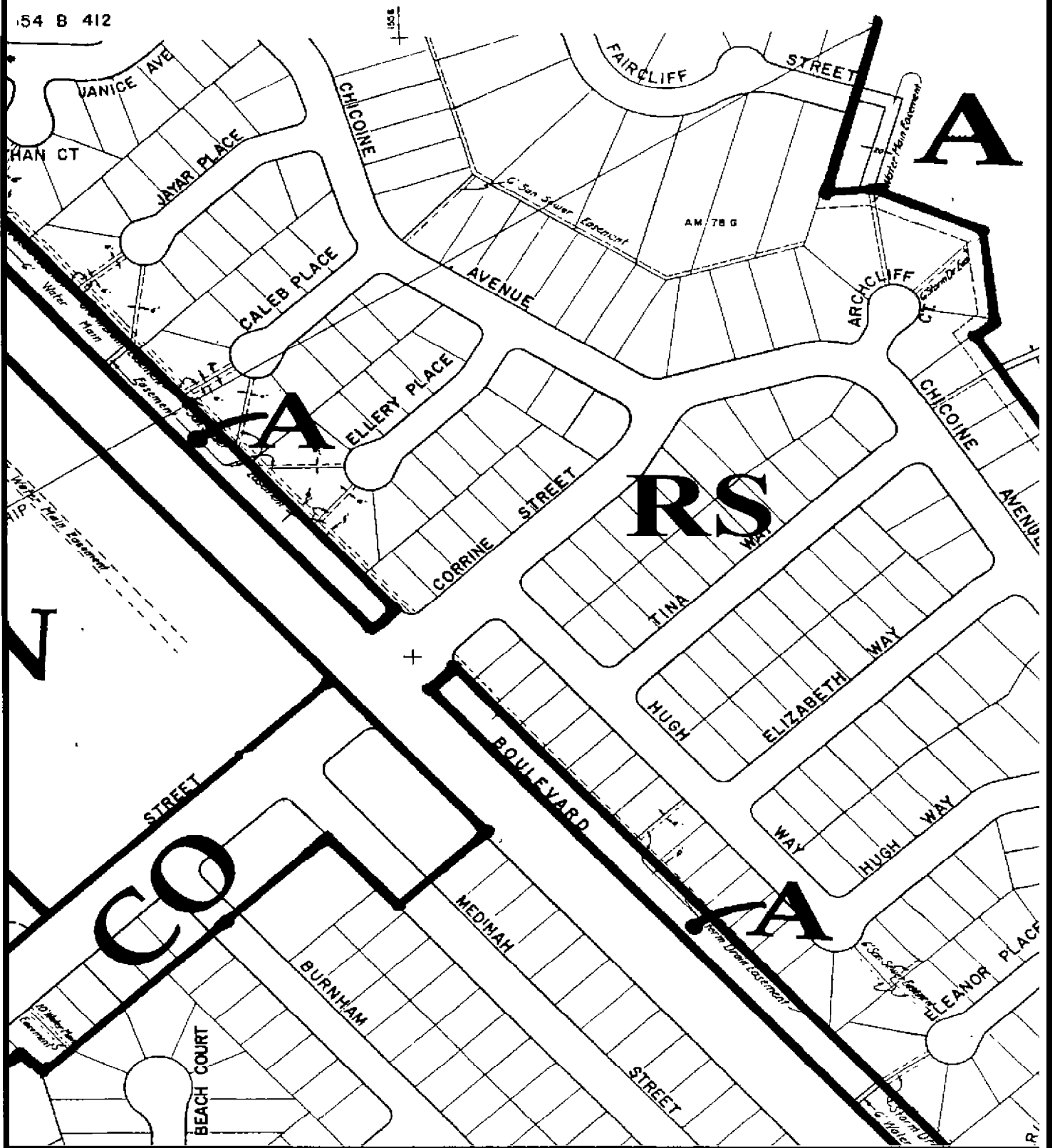
On December 1, 2000, a Notice of Public Hearing was mailed to every property owner and resident within 300 feet of the property as noted on the latest assessor's records, as well as to local neighborhood associations and former members of the Fairway Park Neighborhood Task Force.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Attachments :

- A. Area/Zoning Map
- B. Findings for Denial
- C. Appellant's Letter
Development Plans



Area & Zoning Map

AUP 00-1 50-36/VAR 00-1 80-1 5

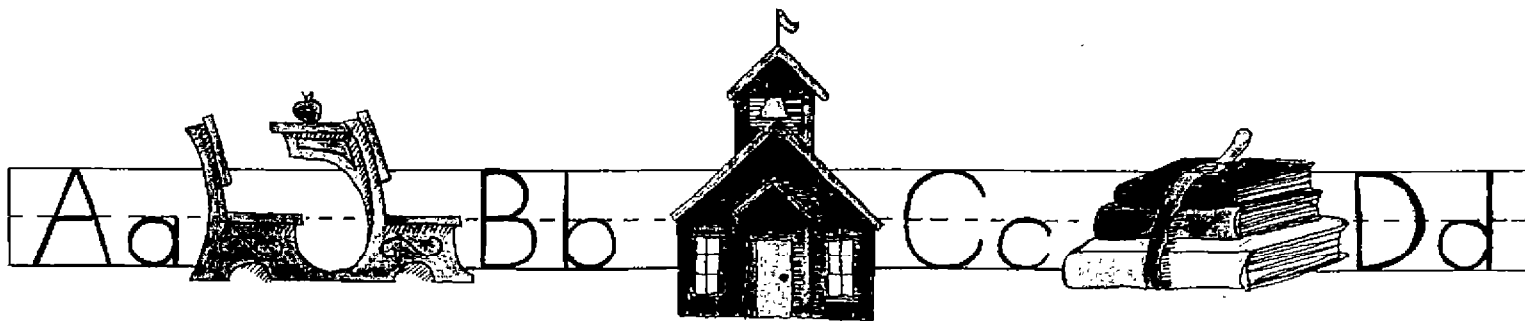
Address: 694 Corrine Street

Applicant: Tonja Williamson

Owner: Willie & Barbara Merritt

FINDINGS FOR DENIAL
Administrative Use Permit Application 00-150-36
Childcare Center
694 Corrine Street

1. That the childcare center is not desirable for the public convenience or welfare in that the project site is in close proximity to other residences, proposed parking does not allow vehicles to enter the site in a forward motion and exit the site in a forward motion, resulting in vehicles having to back out over the sidewalk, and there is inadequate drop-off area;
2. That the childcare center would impair the residential character and integrity of the Single-Family Residential (RS) District in that approval of the center would result in an impact on the availability of on-street parking, encourage U-turns in the area, would contribute excess noise in the residential setting, and would result in a commercial venture in proximity to other single-family residences;
3. That the project would be detrimental to the public health, safety, or general welfare in that the project would result in increased traffic, increased demand for parking, and **an** increase in the amount of noise associated with the site.



***Just for Kid's
694 Corrine Street
Hayward, Ca 94544
510-324-0424***

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PLANNING DIVISION

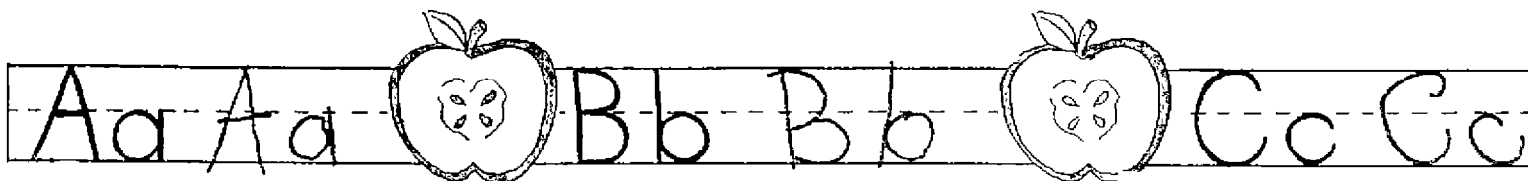
***City of Hayward
777 B. Street
Hayward, A 94541
Dyana Anderly, AICP
Planning Manager***

Dear Dyana Anderly, AICP

This letter is in response to the faxed letter sent by Mary your Sectarary October 31, 2000. I would like you to know I am appealing the decision. I would like the matter to be considered before the planning commision.

Sincerely,

*Tonya Williamson, Director
Just for Kids*



ATTACHMENTC

FAIRWAY PARK SHOPPING CENTER,
Hayward California

